

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of

Petition of the Louisiana Public Service
Commission for Expedited Decision for
Additional Delegated Authority to Implement
Numbering Conservation Measures Regarding
Area Codes 504, Anticipated Area Code in 504
Area, 225, 337, and 318

Implementation of the Local Competition
Provisions of the Telecommunications Act
of 1996

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

NSD File No. L-00-170

CC Docket No. 96-98

COMMENTS OF BELL SOUTH

BELL SOUTH CORPORATION

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COMMENTS OF BELL SOUTH

BellSouth Corporation, by counsel and on behalf of itself and its affiliated companies ("BellSouth"),¹ respectfully submits these comments on the above-captioned state petition² seeking additional authority to implement various number conservation measures.³ The Commission's *Numbering Resource Optimization Order* ("NRO Order")⁴ addresses many of the delegations of authority sought by the Louisiana Public

¹ BellSouth Corporation is a publicly traded Georgia corporation that holds the stock of companies which offer local telephone service, provide advertising and publishing services, market and maintain stand-alone and fully integrated communications systems, and provide mobile communications and other network services world-wide.

² Petition of the Louisiana Public Service Commission For Expedited Decision For Additional Delegated Authority To Implement Number Conservation Measures Regarding Area Codes 504, Anticipated Area Code in 504 Area, 225, 337, and 318 (filed July 19, 2000) ("LPSC Petition").

³ See *Common Carrier Bureau Seeks Comment on the Louisiana Public Service Commission Petition for Delegated Authority To Implement Number Conservation Measures*, NSD File No. L-00-170, CC Docket No. 96-98, *Public Notice*, DA 00-2175 (rel. Sept. 25, 2000).

⁴ *Numbering Resource Optimization*, CC Docket No. 99-200, *Report and Order and Further Notice of Proposed Rulemaking*, 15 FCC Rcd 7574 (2000) ("NRO Order" and "NRO FNPRM").

Service Commission (“LPSC”); consequently, further consideration of these issues is no longer necessary. With respect to the additional requests for delegated authority,

BellSouth urges the Commission to take the following action:

- (1) ensure that state requests for pooling authority satisfy the standard of proof set forth in the *NRO Order*;
- (2) require coordination among state commissions implementing overlapping pooling trials in the same region to ensure compliance with the rollout schedule of three numbering plan areas (“NPAs”) per Number Portability Administration Center (“NPAC”) region per quarter;
- (3) decline to allow the LPSC to establish fill rate requirements;
- (4) decline to grant the LPSC request to maintain code rationing for six months after a relief plan has been implemented; and
- (5) grant the LPSC authority to hear and address claims outside of the rationing process.

I. STATE REQUESTS FOR POOLING AUTHORITY MUST SATISFY THE STANDARD OF PROOF DEFINED IN THE *NRO ORDER*.

The LPSC seeks authority to implement thousands-block number pooling in the 504 NPA, the NPA created as a result of the split, “and any other NPA in the state” after implementation in the 504 NPA,⁵ including the 225, 337 and 318 NPAs.⁶ The LPSC, however, has not satisfied the Commission’s three-part test for pooling authority for all of these NPAs. Only the 504 NPA meets the criteria. As the LPSC demonstrates, the 504 NPA: (1) is in jeopardy; (2) has a remaining life span of at least year; and (3) is in the top 100 MSAs (New Orleans MSA).⁷

⁵ LPSC Petition at 1.

⁶ *Id.* at 3.

⁷ *Id.* at 5.

With respect to the other NPAs for which pooling authority is sought, the LPSC does not make the requisite showing to support a grant of authority under either the three-part test or the “special circumstances” test.⁸ The LPSC Petition contains insufficient information upon which the Commission can make a reasoned decision. For example, the Petition does not identify the projected exhaust dates for the additional NPAs for which pooling authority is sought. Nor does the Petition explain how pooling could potentially extend the life of these NPAs. In the absence of such evidence, the Commission is not in a position to grant the requested authority.

BellSouth therefore recommends that, rather than seeking broad pooling authority across multiple NPAs at this time, the LPSC should review the forthcoming national pooling schedule. The Commission is making progress to implement thousands-block pooling at the national level, including the selection of the national Pooling Administrator (“PA”). In fact, the pleading cycle for comments regarding the technical requirements for the PA has closed, and an order is expected in the near future. Once the PA is selected, it must submit the initial rollout schedule to the Commission within 60 days.⁹ Given that national pooling is expected to commence approximately in the third quarter of 2001, BellSouth believes that the most efficient course of action for the LPSC is to review the rollout schedule once it is established and determine whether any of the subject NPAs (or any other NPAs) satisfy the three-prong standard or the “special circumstances” test. The *NRO Order* explicitly allows state commissions to petition the

⁸ See *NRO Order*, 15 FCC Rcd at 7652, ¶ 170.

⁹ *NRO Order*, 15 FCC Rcd at 7649, ¶ 166.

Commission to “opt in” to the national schedule.¹⁰ Thus, the 504 NPA is the only NPA for which the LPSC has met the standard for pooling authority, and there is insufficient evidence in the record at this time to support grant of pooling authority for the other NPAs.

II. IF THE COMMISSION CONTINUES TO GRANT INTERIM POOLING AUTHORITY ON A STATE-BY-STATE BASIS, IT SHOULD REQUIRE STATES TO COORDINATE THEIR POOLING EFFORTS IN ORDER TO COMPLY WITH THE MAXIMUM ROLLOUT SCHEDULE.

BellSouth is extremely concerned about the lack of coordination among the growing number of states that have been granted authority to implement pooling. The *NRO Order* limits the rollout of pooling to three NPAs per NPAC region per quarter.¹¹ The Commission established this parameter to “ensure that [the] rollout schedule does not strain resources of the national thousands-block number Pooling Administrator” and to “provide carriers time to upgrade or replace their SCPs [Service Control Points] and other components of their network”¹² If the Commission continues to grant pooling authority to individual states without requiring any type of coordination, the strain on resources will become a reality and could delay the implementation of pooling. As the Commission is well aware, at least 6 states have commenced pooling trials (Illinois, California, New Hampshire, Maine, New York, and Texas), 17 others have been granted

¹⁰ *NRO Order*, 15 FCC Rcd at 7649, ¶ 164.

¹¹ *Id.* at 7646, ¶ 159.

¹² *Id.*

pooling authority,¹³ and several pooling requests are pending at the Commission, including the instant petition.

BellSouth's nine-state region offers an illustrative example of the potential problems associated with conflicting pooling efforts. Three states in BellSouth's territory (Florida, North Carolina, and Tennessee) have already received pooling authority, and Louisiana is seeking similar authority. Unless the Commission requires coordination among the states, there is a strong possibility that there could be multiple pooling trials in BellSouth's region that exceed the limit of three NPAs per NPAC region per quarter. For example, the Florida Public Service Commission has already ordered pooling to commence in two NPAs in the first quarter of 2001 and one NPA in the second quarter 2001.¹⁴ In addition, the Tennessee Regulatory Authority has ordered the implementation of pooling in one NPA in the first quarter of 2001. Thus, the schedule for the first quarter

¹³ See, e.g., *Florida Public Service Commission Petition to Federal Communications Commission for Expedited Decision for Grant of Authority to Implement Number Conservation Measures*, 14 FCC Rcd 17506 (1999); *Massachusetts Department of Telecommunications and Energy's Petition For Waiver of Section 52.19 to Implement Various Area Code Conservation Methods in the 508, 617, 781, and 978 Area Codes*, 14 FCC Rcd 17447 (1999) ("Massachusetts Delegation Order"); *Connecticut Department of Public Utility Control's Petition for Delegation of Additional Authority to Implement Area Code Conservation Measures*, 15 FCC Rcd 1240 (1999); *Petition of the Ohio Public Utilities Commission for Delegation of Additional Authority to Implement Number Conservation Measures*, 15 FCC Rcd 1268 (1999); *Petition of the Public Service Commission of Wisconsin for Delegation of Additional Authority to Implement Number Conservation Measures*, 15 FCC Rcd 1299 (1999); *Numbering Resource Optimization, et al.*, CC Docket Nos. 99-200, et al., Order, DA 00-1616 (rel. July 20, 2000) ("Joint State Delegation Order").

¹⁴ *Number Utilization Study: Investigation into Number Conservation Measures*, Docket No. 981444-TP; Notice of Proposed Agency Action, Order Approving Offer of Settlement and Final Order Dismissing Protest and Making Final the Unprotested Portions of Order No. PSC-00-0543-PAA-TP, Order No. PSC-1046-PAA-TP (issued May 30, 2000); *Request for Review of Proposed Numbering Plan Relief for the 305/786 Area Code – Dade County and Monroe County/Keys Region, et al.*, Docket Nos. 990455-TL, et al., Final Order Approving Numbering Plan Relief for the 305/786 Area Code, the 561 Area Code, the 954 Area Code, and the 904 Area Code, Order No. PSC-00-1937-PAA-TL (issued Oct. 20, 2000).

of 2001 for the NPAC region encompassing Louisiana has already reached the limit of three NPAs per NPAC region per quarter.

As the Commission has properly concluded, a staggered rollout schedule is preferable in order to minimize network disruptions, allow carriers sufficient time to upgrade their systems, and not overburden the pooling administrator.¹⁵ Therefore, to avoid these problems, the Commission should require strict compliance with the rollout schedule (no more than three NPAs per NPAC region per quarter). If, however, the states are unable to coordinate among themselves when conflicts arise, the Commission must be willing to step in and assume the role of final arbiter. Otherwise, the Pooling Administrator(s) and carriers may be caught in the middle as state regulators seek to implement overlapping pooling trials. This role will become even more critical as more state pooling efforts commence in advance of national pooling.

III. FILL RATES ARE UNNECESSARY AND DO NOT SOLVE THE PROBLEM OF NUMBER EXHAUST.

The LPSC requests permission to “establish fill rates that must be met before a carrier may acquire an additional code in a rate center where it already has a code.”¹⁶ BellSouth continues to believe that fill rates are unnecessary and should not be imposed upon any carrier. As BellSouth and others have repeatedly demonstrated, Months-To-Exhaust (“MTE”) is a more effective way to evaluate the demand for numbering

¹⁵ *NRO Order*, 15 FCC Rcd at 7646, ¶ 159.

¹⁶ LPSC Petition at 8.

resources than the use of fill rates (also referred to as utilization thresholds).¹⁷ BellSouth does not disagree that utilization data may provide useful information for monitoring, auditing, and enforcement purposes; however, it is inappropriate to tie a carrier's access to numbers to a fixed utilization rate. As the record convincingly shows, there are a number of circumstances in which a carrier's current and historical utilization rates do not accurately reflect its future need for numbering resources (*e.g.*, new service offerings, promotions, seasonal demands, footprint establishment, population growth). As a result, reliance on a fixed utilization rate would deprive carriers of timely access to numbering resources.

BellSouth believes that the various conservation measures adopted in the *NRO Order* would better meet the Commission's goal of improving number use efficiency than would fill rates. The newly adopted qualitative measures – including the enhanced enforcement authority granted to the North American Numbering Plan Administrator

¹⁷ See, *e.g.*, VoiceStream Wireless Corporation *Ex Parte*, Letter from Judith St. Ledger-Roty and Todd D. Daubert, Counsel to VoiceStream Wireless Corporation, to Magalie R. Salas, Secretary, FCC, CC Docket No. 99-200 (dated Aug. 17, 2000); BellSouth Petition for Reconsideration and Clarification at 15-20 (filed July 17, 2000); BellSouth Reply Comments on *NRO NPRM* at 1-7 (filed June 9, 2000); BellSouth Comments on *NRO NPRM* at 3 (filed May 19, 2000); Nextel Comments on *NRO FNPRM* at 3 (filed May 19, 2000); PCIA Comments on *NRO FNPRM* at 3-4 (filed May 19, 2000); Sprint Comments on *NRO FNPRM* at 2-3 (filed May 19, 2000); USTA Comments on *NRO FNPRM* at 2 (filed May 19, 2000); Verizon Comments on *NRO FNPRM* at 2 n.3 (filed May 19, 2000); VoiceStream Comments on *NRO FNPRM* at 10-11 (filed May 19, 2000).

BellSouth has also requested that the Commission allow a carrier to calculate MTE at the wire center level if that carrier operates multiple wire centers within a single rate center. BellSouth *Ex Parte*, Letter from Kathleen B. Levitz, Vice President-Federal Regulatory, BellSouth, to Magalie Roman Salas, Secretary, CC Docket No. 99-200 (filed Sept. 27, 2000); BellSouth *Ex Parte*, Letter from Kathleen B. Levitz, Vice President-Federal Regulatory, BellSouth, to Magalie Roman Salas, Secretary, CC Docket No. 99-200 (filed Oct. 19, 2000); BellSouth Petition for Reconsideration at 20-21 (filed July 17, 2000).

("NANPA"), the mandatory reporting requirements, the streamlined reclamation process, and the upcoming audits -- are more than adequate to manage a carrier's utilization.¹⁸

In addition, the Commission has determined that various quantitatively based modifications should improve utilization. For example, the Commission has reduced the interval for calculating MTE from 12 to 6 months.¹⁹ In addition, the NANPA now has the authority to initiate reclamation action within 60 days of expiration of the activation deadline, instead of the previous 18-month timeframe included in the Central Office Code Assignment Guidelines.²⁰ The potential benefits derived from these shortened intervals have yet to be seen. These modifications should be given time to work before imposing fill rates on carriers.

Finally, a utilization threshold will not solve the problem of number exhaust. As BellSouth has previously stated²¹ and the Commission has acknowledged, one of the principal drivers of number exhaust is the traditional "allocation of numbers in blocks of 10,000 [per rate center], irrespective of the carrier's actual need for new numbers."²² The *NRO Order* seeks to address this problem by changing the way numbers are allocated to carriers.²³ This modification will promote more efficient number usage. Thus, the

¹⁸ See, e.g., BellSouth Comments on *NRO FNPRM* at 3 (filed May 19, 2000); CompTel Comments on *NRO FNPRM* at 3 (filed May 19, 2000); VoiceStream Comments on *NRO FNPRM* at 6-7 (filed May 19, 2000).

¹⁹ See 47 C.F.R. § 52.15(g)(3)(i)(A).

²⁰ *NRO Order*, 15 FCC Rcd at 7682, ¶ 241.

²¹ BellSouth Comments on *NRO FNPRM* at 15 (filed May 19, 2000).

²² *NRO Order*, 15 FCC Rcd at 7578, ¶ 4.

²³ BellSouth also encourages state commissions to do their part to address number exhaust. Specifically, BellSouth recommends that state regulators examine revenue-neutral rate center consolidation to determine whether it can be successfully used in combination with other conservation measures.

Commission should not grant the LPSC authority to impose a fill rate requirement on carriers seeking growth codes.

In addition, it is important to note that the Commission has declined to grant recent state requests to impose fill rates because of the newly established national rules governing this issue.²⁴ Although some states have adopted fill rate requirements, these states were granted authority prior to the release of the *NRO Order*,²⁵ which imposes a utilization threshold only on non-pooling carriers seeking growth codes. Moreover, the Commission is currently considering requests by BellSouth and other parties to eliminate the utilization threshold requirement. Therefore, it is reasonable for the Commission to decline to grant the LPSC request for interim authority to establish fill rate requirements at this time.

Finally, the LPSC Petition does not provide sufficient detail to support a grant of authority to establish fill rates. The Petition neither proposes a particular fill rate nor demonstrates how the imposition of a fill rate will serve the public interest in Louisiana. In the absence of such evidence, the requested authority cannot be justified.

As discussed above, BellSouth opposes requiring carriers to satisfy a utilization threshold. Regardless of whether the Commission decides to retain this requirement, it should not allow states to impose their own utilization threshold requirements. Such a rule would not only go beyond the Commission's narrow application of this requirement

²⁴ See *Joint State Delegation Order*, ¶ 4.

²⁵ See, e.g., *California Public Utilities Commission Petition for Delegation of Additional Authority Pertaining to Area Code Relief and NXX Code Conservation Measures*, 14 FCC Rcd 17485, 17497-17499, ¶¶ 25-30 (1999); *Maine Public Utilities Commission Petition for Additional Delegated Authority to Implement Number Conservation Measures*, 14 FCC Rcd 16440, 16445-16447, ¶¶ 12-16 (1999); *New York State Department of Public Service Petition for Additional Delegated Authority to Implement Number Conservation Measures*, 14 FCC Rcd 17467, 17478-17480, ¶¶ 25-30 (1999).

to non-pooling carriers only, but also impose additional and burdensome obligations on carriers. Accordingly, the Commission should not grant the LPSC request to establish fill rates.

IV. THE LPSC ALREADY HAS THE AUTHORITY TO ORDER SEQUENTIAL NUMBERING IN ACCORDANCE WITH THE COMMISSION'S RULES REGARDING SEQUENTIAL NUMBERING ASSIGNMENT.

The LPSC does not need a specific grant of authority from the Commission to order sequential numbering assignment.²⁶ As the LPSC acknowledges, the Commission has already established rules for sequential numbering assignment.²⁷ Moreover, all state commissions (including those granted previous delegated authority) must conform their existing sequential numbering assignment requirements to the national framework by January 1, 2001.²⁸ BellSouth therefore urges the LPSC to work with the industry to implement the Commission's sequential numbering assignment rules in the most efficient and effective manner possible.

V. THE COMMISSION HAS ALREADY ADOPTED PROOF REQUIREMENTS FOR OBTAINING NUMBERING RESOURCES.

The LPSC requests authority to require carriers to demonstrate that they have, or will have within six months, the necessary facilities to serve a particular rate center before a code is assigned.²⁹ In its *NRO Order*, the Commission "adopt[ed] a more verifiable needs-based approach for both initial and growth numbering resources that is

²⁶ See LPSC Petition at 7-8.

²⁷ *Id.* at 8.

²⁸ *NRO Order*, 15 FCC Rcd at 7685, ¶ 246.

²⁹ LPSC Petition at 8.

predicated on proof that carriers need numbering resources when, where, and in the quantity requested.”³⁰ Consequently, consideration of the LPSC request for delegated authority to adopt standards for obtaining numbering resources is unnecessary. The *NRO Order* establishes national verification standards to which carriers and state commissions must adhere.

VI. THE LPSC REQUEST TO RECLAIM CODES HAS BEEN ADDRESSED BY THE COMMISSION’S *NRO ORDER*, WHICH GRANTS ALL STATES AUTHORITY TO DIRECT THE NANPA TO RECLAIM CODES.

The *NRO Order* grants all state commissions, including the LPSC, specific authority regarding reclaiming numbers. The Commission’s new rules define the roles of state commissions, the NANPA, and the Commission in the reclamation process.³¹

Specifically, the Commission has granted states authority to:

- investigate and determine whether code holders have activated NXXs assigned to them within the specified time frames and request proof from all code holders that NXX codes have been activated and assignment of the numbers has commenced;³²
- deviate from the reclamation procedures set forth in the Central Office Code Assignment Guidelines that relate to referring the issue to the Industry Numbering Committee, as long as the state commission accords the code

³⁰ *NRO Order*, 15 FCC Rcd at 7612, ¶ 91. The Commission’s new rules require a carrier seeking to obtain initial numbering resources to submit to the NANPA evidence that the applicant: (1) is authorized to provide service in the area for which the numbering resources are being requested; and (2) is or will be capable of providing service within 60 days of the numbering resources activation date. 47 C.F.R. § 52.15(g)(2). A carrier seeking to obtain a growth code must submit an application that includes: (1) a Months-to-Exhaust worksheet that provides utilization by rate center for the preceding six months and projected monthly utilization for the next twelve months; and (2) the current numbering resource utilization level for the rate center in which the carrier is seeking growth numbering resources. 47 C.F.R. § 52.15(g)(3)(i).

³¹ See *NRO Order*, 15 FCC Rcd at 7680-7681, ¶ 237; see 47 C.F.R. § 52.15(i).

³² *NRO Order*, 15 FCC Rcd at 7680-7681, ¶ 237; 47 C.F.R. § 52.15(i)(2).

holder an opportunity to explain the circumstances causing the delay in activating NXX codes.³³

Although the Commission did not authorize states themselves to reclaim numbers, the agency did grant states authority to direct the NANPA and the Pooling Administrator to reclaim unactivated or unused numbers.³⁴ Thus, the parameters of state authority in the reclamation process have been established. If the LPSC wishes to implement reclamation as a number conservation measure, it is authorized to do so as long as it acts consistently with the rules adopted in the *NRO Order*.

VII. THE LPSC REQUEST TO ESTABLISH REPORTING REQUIREMENTS HAS BEEN ADDRESSED BY THE COMMISSION'S ADOPTION OF NATIONAL REPORTING RULES.

In its Petition, the LPSC seeks delegated authority to require carriers to submit completed Central Office Code Utilization Surveys ("COCUS") to the NANPA and to direct the NANPA to suspend the assignment of NXX codes to carriers that do not comply with this requirement.³⁵ Again, BellSouth submits that consideration of this request is no longer necessary because the *NRO Order* extensively details the national reporting obligations of carriers. The Commission's rules describe the types of reports that must be submitted, the information that must be included, the frequency of reporting, and the penalties for non-compliance.³⁶

³³ *NRO Order*, 15 FCC Rcd at 7681, ¶ 239; 47 C.F.R. § 52.15(i)(4).

³⁴ *NRO Order*, 15 FCC Rcd at 7680-7681, ¶¶ 237, 238; 47 C.F.R. § 52.15(i)(5).

³⁵ LPSC Petition at 13.

³⁶ *See NRO Order*, 15 FCC Rcd at 7593-7610, ¶¶ 37-84.

In its *NRO Order*, the Commission expressly declined to grant states authority to impose additional regularly scheduled reporting requirements on any carriers.³⁷

According to the Commission, “the maximum number of reports that any carrier should be required to file in any year is two and that, in markets where there is little change in numbering utilization, annual reporting is adequate.”³⁸ Thus, the LPSC is obligated to comply with the national reporting requirements established in the *NRO Order*.

VIII. MAINTAINING RATIONING PROCEDURES SUBSEQUENT TO AREA CODE RELIEF IS UNNECESSARY AND INAPPROPRIATE.

The LPSC requests authority to maintain rationing procedures in those area codes that undergo jeopardy rationing and subsequent relief (including the 504 code and the newly anticipated NPA) for six months following implementation of the new NPA.³⁹ BellSouth submits that maintaining rationing under these circumstances is unwarranted. Rationing serves no valid purpose after area code relief has been implemented. As the Commission has concluded, “the rationing of NXX codes should only occur when it is clear that an NPA will run out of NXX codes before timely implementation of a relief plan.”⁴⁰ Thus, allowing states to maintain rationing after area code relief is inappropriate.

³⁷ *NRO Order*, 15 FCC Rcd at 7606, ¶ 76 (“We will not delegate authority to the states to impose additional regularly scheduled reporting requirements on any carriers.”).

³⁸ *NRO Order*, 15 FCC Rcd at 7602, ¶ 65. The Commission delegated to state commissions the authority to reduce the frequency of reporting in their states to annually. However, states are prohibited from increasing the frequency of reporting except under certain circumstances. *Id.* at 7603, ¶ 67.

³⁹ LPSC Petition at 11-12.

⁴⁰ *Joint State Delegation Order*, ¶ 66 (emphasis added).

Moreover, in BellSouth's experience, it is the actual rationing of codes itself that creates pent-up demand. When rationing is discontinued after an artificially prolonged period, demand becomes peaked due to pent-up demand. Further, the rationing of codes in an NPA that is not in jeopardy may unnecessarily deny carriers the codes they need to compete effectively in the marketplace. Rationing is not a conservation measure and should not be used as such. Accordingly, the Commission should not grant the LPSC request to continue rationing for six months after the implementation of area code relief for the 504 and new NPA.

IX. AS LONG AS THE LPSC HAS RATIONING PROCEDURES IN PLACE, IT SHOULD BE AUTHORIZED TO HEAR AND ADDRESS CLAIMS OF A NEED FOR AN NXX CODE OR CODES OUTSIDE OF THE RATIONING PROCESS.

The LPSC seeks authority to hear and address claims of carriers that: (1) are subject to an NXX code rationing plan; (2) seek additional NXX codes outside the parameters of that plan; and (3) allege that they will otherwise be unable to serve their customers.⁴¹ BellSouth believes that rationing should be used only under extraordinary circumstances and urges the Commission to strongly emphasize that point. However, if the LPSC continues to ration numbers,⁴² it must be in a position to hear and address claims by those carriers in need of numbers. The Commission has previously granted such authority to other states⁴³ and should grant the LPSC similar authority. As the

⁴¹ LPSC Petition at 12.

⁴² Codes in the 504 NPA are currently being rationed at the rate of seven codes per month. LPSC Petition at 11.

⁴³ See, e.g., *California Public Utilities Commission Petition for Delegation of Additional Authority Pertaining to Area Code Relief and NXX Code Conservation Measures*, 14 FCC Rcd 17485, 17500-501, ¶¶ 32-33; *Massachusetts Delegation Order*, 14 FCC Rcd at 17447, 17462-463, ¶¶ 37-38; *Joint State Delegation Order*, ¶¶ 53-54.

Commission recognizes, state commissions must be able “to assure that customers in their states retain their choice of service providers in the face of an NXX code rationing process.”⁴⁴ Thus, the Commission should grant the LPSC request to hear and address claims outside of the area code rationing process.

X. CONCLUSION

BellSouth applauds the LPSC’s desire to address proactively the issues associated with number conservation and optimization. As demonstrated herein, many of the delegations of authority sought by the LPSC have already been addressed in the *NRO Order*. Therefore, further consideration by the Commission is no longer necessary. With respect to the additional requests for delegated authority, BellSouth urges the Commission to take the following action:

- (1) ensure that state requests for pooling authority satisfy the standard of proof set forth in the *NRO Order*;
- (2) require coordination among state commissions implementing overlapping pooling trials in the same region to ensure compliance with the rollout schedule of three NPAs per NPAC region per quarter;
- (3) decline to allow the LPSC to establish fill rate requirements;
- (4) decline to grant the LPSC request to maintain code rationing for six months after a relief plan has been implemented; and

⁴⁴ *Joint State Delegation Order*, ¶ 53.

- (5) grant the LPSC authority to hear and address claims outside of the rationing process.

Respectfully submitted,

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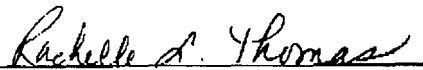
I do hereby certify that I have this 25th day of October, 2000 served the following parties to this action with a copy of the foregoing *COMMENTS OF BELL SOUTH*, NSD File No. L-00-170 and CC Docket No. 92-105, by hand delivery, or by placing a copy of same in the United States Mail, addressed to the parties listed below.

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